

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5-11-CV-00229-FL

JONATHAN W. SUPLER, an)
individual; on behalf of himself and all)
others similarly situated,)

Plaintiff,)

v.)

ORDER

ABSOLUTE COLLECTION)
SERVICES, INC., a North Carolina)
Corporation; and JOHN AND JANE)
DOES NUMBERS 1 THROUGH 25,)

Defendant.)

This matter is before the court on plaintiff's motion for reconsideration of the court's order dismissing as moot plaintiff's motion for leave for his counsel, William F. Horn, to appear telephonically at hearing on consent motion to certify class and for preliminary approval. (DE # 33). The hearing was set for tomorrow, October 11, 2012, at New Bern, North Carolina, on September 14, 2012. Plaintiff filed motion for leave for counsel to appear telephonically October 8, 2012. (DE # 32). The ground for that motion rested on difficulty posed to counsel, a resident of New York, by the trip to this courthouse based upon his misapprehension of the distance from Raleigh to New Bern.

The court's decision on the initial motion entered October 9, 2012, recognized as Mr. Horn therein advised, that co-counsel, Peter R. Shedor, with office in or around Cary, would be attending the hearing. Mr. Horn was relieved of necessity also to attend.

Plaintiff raises the issue again in motion made today, reciting importance of Mr. Horn to resolution of the certification issue presented in tandem with request for approval. It appears no travel plan timely was developed in furtherance of hearing set nearly four weeks ago, however. The court is prepared to go forward as noticed tomorrow with hearing at New Bern, where both sides will be represented.

If plaintiff wishes to further Mr. Horn's attendance, he may move now for a continuance and the court will schedule hearing at a later date and time.

SO ORDERED, this the 10th day of October, 2012.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

LOUISE W. FLANAGAN
United States District Judge